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FROM: Howard Sobelman

PHONE: 602-382-6228

RE: U.S. Serial No. 09/834,478

MESSAGE:

Petition for Revival of an Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b) (2 pgs.) and Request for Continued Examination (RCE) Transmittal (1 pg.)

Thank you.
Howard Sobelman

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I hereby certify that this Petition to Revive along with the accompanying RCE is being facsimile transmitted to the United States Patent and Trademark Office at (571) 273-8300 and is addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: January 19, 2006By: Deborah A. Mier**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT**

Applicants:	Emily Chien, et al.	Docket No.:	40655.1300
Serial No.:	09/834,478	Examiner:	Ruhl, Dennis William
Filed:	April 13, 2001	Group Art Unit:	3629
Title:	A SYSTEM AND METHOD FOR USING LOYALTY POINTS	Confirmation No.:	4632
		Mailing Date of Office Action:	May 11, 2005

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED APPLICATION PURSUANT TO
37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Petitioner hereby petitions the Commissioner to revive the above-referenced application and to accept a Request for Continued Examination (RCE) later than six months after the mailing of the Final Office Action as though no abandonment had ever occurred. On July 5, 2005, Petitioner filed an Amendment and Reply to the Final Office Action which was within 2 months from the date of the Final Office Action. However, the Examiner did not mail an Advisory Action until January 9, 2006, which is after the six month reply time to the Final Office Action (which reply time expired on November 11, 2005).

The Examiner states in the Notice of Abandonment, that the application is abandoned in view of Applicant's failure to timely file a proper reply to the Office letter

AXP No. IP199900731
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Serial No. 09/834,478
Docket No. 40655.1300

mailed on May 11, 2005. The Examiner further states that a "proposed" reply was received on July 5, 2005, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. Applicant respectfully disagrees because Applicant's Amendment and Reply was a formal reply and filed within two months of the Final Office Action.

Petitioner's entire delay in responding to the Office Action, from the due date until the filing of this petition, pursuant to 37 C.F.R. 1.137(b)(3), was unintentional. Petitioner submits herewith an Request for Continued Examination (RCE) and requests that Applicant's previous formal Amendment and Reply be entered for reconsideration.

The Commissioner is hereby authorized to charge the Petition Fee, or deficiency, or credit any overpayment to Deposit Account No. 19-2814.

Should the Petitions Examiner wish to discuss any of the foregoing in greater detail, or deem that a telephone call would further advance this Petition, the undersigned would welcome a telephone call at the number listed below.

Respectfully submitted,

Date: January 19, 2006

By: 

Howard I. Sobelman
Reg. No. 39,038

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